



TOWN OF
North Stonington, CT
ZONING BOARD OF APPEALS

TUESDAY, JUNE 15, 2020

SPECIAL MEETING

NEW TOWN HALL
CONFERENCE ROOM
40 MAIN STREET
NORTH STONINGTON, CT 06359

DRAFT MINUTES

1. **CALL TO ORDER:** Chair Candy Palmer called the Special Meeting of the North Stonington Zoning Board of Appeals to order at 5:30 p.m. at the New Town Hall, Conference Room.

BOARD MEMBERS PRESENT: Candy Palmer, Chair, Shawn Murphy, Vice-Chair, Joan Kepler, Secretary, Bruce Smith, Colleen Thompson (Alternate) and Gary Thompson (Alternate)

BOARD MEMBERS ABSENT: James Lord and John Varas, Jr. (Alternate)

STAFF PRESENT: Planning, Development & Zoning Official Juliet Hodge, and Administrative Assistant Cheryl Konsavitch

C. Palmer read the Rules and Procedures into the record

2. **PUBLIC HEARING:**

ZBA Application #21-001 (Variance) For a matter involving property owned by Watch Hill Builders, LLC, 183 Quarry Rd. Milford, CT 06460, located on the westerly side of Jeremy Hl Rd. approximately 500 feet, northerly from the intersection of the North Stonington Town Line in an R60 Zone. Tax Map #115, Lot #4798. Applicant is requesting a 4,472 square foot variance of Section 402.2 (Minimum Buildable Area Requirements) which requires 32,400 square feet of minimum buildable area in the R60 zone & Section 402.3 (Shape & Location) for a 40.3 linear foot variance of the minimum dimension of size of minimum buildable area for a square in the R60 zone which requires a minimum dimension of side of 140 feet. The variances are necessary to subdivide the property into two lots; one fully conforming lot & a second 10.6-acre lot requiring the relief from the minimum buildable area requirements due to the proliferation of wetlands on the property. *(Extension Requested for Public Hearing to be scheduled for 06/15/21; Received on 02/16/21; PH must close on or by 7/20/21).*

C. Palmer read the application into the record.

Seated: C. Palmer, S. Murphy, J. Kepler, B. Smith, C. Thompson

Atty. Harry Heller was present for this application representing Watch Hill Builders along with John D'Amato, Jr. one of the principles.

Atty. Heller went over the site plan and stated the property currently contains approximately 13 acres and accommodates a 2-bedroom residence. The application would like to subdivide the property into one fully conforming lot and one building lot containing 10.6 acres which requires relief from the minimum buildable area requirements due to the proliferation of the wetlands on the property.

Atty. Heller stated that 75% of the total property is wetlands and that if divided, 90% of the proposed new lot would be wetlands. Atty. Heller went over the minimum buildable square requirement on the proposed site plan. Atty. Heller stated that even with the variance, they will still need wetlands approval and subdivision approval.

Atty. Heller stated that in order for the Board to grant a variance the Board must determine that there is a usual hardship or exceptional difficulty that arises out of the application of the zoning regulations to the property and which is unique to the property and does not exist on other parcels in that district, and that the proposed variance is in conformance to the Plan of Conservation and Development and if granted, would not adversely affect the public health, safety, welfare, or value of the surrounding properties.

Atty. Heller submitted (Exhibit A) case law article *Chapman v Zoning Board of Appeals* pertaining to an appeal brought on by the applicant whose variance was denied because the hardship was self-created. Atty. Heller also submitted (Exhibit B) case law article *Kulak v Zoning Board of Appeals* which states that because a hardship is created by zoning regulations the property owners have a right to seek a variance even though they know they may need one when buying the property. Atty. Heller stated the applicant could have applied for subdivision prior to 1985 without a variance because the minimum buildable square regulation was not in place at that time.

The Board asked questions pertaining to perc tests, wetlands, taxes, accessory dwellings permitted on the property.

J. Hodge went over her review of the application and stated she agrees with Atty. Heller regarding their hardship, though did not believe that the applicant was being denied reasonable use of the property given that a second detached accessory apartment could be built on the property without a variance.

Chair Palmer asked if there was anyone from the public speaking in favor of the application. The following person spoke:

- Larry Chappell, 100B Jeremy Hill Rd.

Chair Palmer asked if there was anyone speaking against the application. There were none.

Chair Palmer asked if there were any questions or comments from the public pertaining to this application. The following people spoke:

- Larry Chappell, 100B Jeremy Hill Rd.
- Gary Peacock

Chair Palmer asked if the applicant had any general remarks or summarization. Attorney Heller stated he did not.

MOTION by B. Smith, SECOND by J. Kepler to close the Public Hearing on application #21-001. MOTION CARRIED UNANIMOUSLY

3. PENDING APPLICATIONS:

ZBA Application #21-001 (Variance) For a matter involving property owned by Watch Hill Builders, LLC, 183 Quarry Rd. Milford, CT 06460, located on the westerly side of Jeremy Hill Rd. approximately 500 feet, northerly from the intersection of the North Stonington Town Line in an R60 Zone. Tax Map #115, Lot #4798. Applicant is requesting a 4,472 square foot variance of Section 402.2 (Minimum Buildable Area Requirements) which requires 32,400 square feet of minimum buildable area in the R60 zone & Section 402.3 (Shape & Location) for a 40.3 linear foot variance of the minimum dimension of size of minimum buildable area for a square in the R60 zone which requires a minimum dimension of side of 140 feet. The variances are necessary to subdivide the property into two lots; one fully conforming lot & a second 10.6-acre lot requiring the relief from the minimum buildable area requirements due to the proliferation of wetlands on the property.

Seated: C. Palmer, S. Murphy, J. Kepler, B. Smith, C. Thompson

MOTION by S. Murphy, SECOND by B. Smith to approve application ZBA Application #21-001 For a matter involving property owned by Watch Hill Builders, LLC, 183 Quarry Rd. Milford, CT 06460, located on the westerly side of Jeremy Hill Rd. approximately 500 feet, northerly from the intersection of the North Stonington Town Line in an R60 Zone. Tax Map #115, Lot #4798. Applicant is requesting a 4,472 square foot variance of Section 402.2 (Minimum Buildable Area Requirements) which requires 32,400 square feet of minimum buildable area in the R60 zone & Section 402.3 (Shape & Location) for a 40.3 linear foot variance of the minimum dimension of size of minimum buildable area for a square in the R60 zone which requires a minimum dimension of side of 140 feet. The variances are necessary to subdivide the property into two lots; one fully conforming lot & a second 10.6-acre lot requiring the relief from the minimum buildable area requirements due to the proliferation of wetlands on the property for the

following reasons:

1. The proliferation of wetlands on the property severely limits the ability to subdivide despite the total acreage and frontage available. A lot that size with 900+ feet of frontage could potentially support 4-5 building lots. A buildable area has been shown meeting the intent of the regulations with respect to assurance of suitable land to support a house and associated utilities – just not in a shape that conforms to the required dimensions for a MBA.
2. Approval of the variance would not adversely affect the public health, safety, welfare, and value of the surrounding properties. The lot in question is in a medium density residential area where larger tracts have been divided into smaller lots that what is being proposed here.

MOTION CARRIED

In Favor – S. Murphy, J. Kepler, B. Smith, C. Thompson

Opposed – C. Palmer

4. NEW APPLICATIONS: None

5. REVIEW MINUTES:

Review minutes of March 17, 2020 meeting

The Board accepted the minutes March 17, 2020 as written

6. ADJOURNMENT:

MOTION by B. Smith, SECOND by C. Thompson to adjourn at 6:03 p.m. MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,

Cheryl Konsavitch

Cheryl Konsavitch, Administrative Assistant,
Zoning Board of Appeals